



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/748,748

12/26/2000

Gerardo M. Castillo

P25US2

4503

74651 7590 06/15/2010
PROTEOTECH, INC.
12040 115TH AVE NE
KIRKLAND, WA 98034-6931

EXAMINER

FAY, ZOHREH A

ART UNIT

PAPER NUMBER

1612

MAIL DATE

DELIVERY MODE

06/15/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Claims 1-3, 17-26 and 29-30 are presented for examination.

The amendments and remarks filed on have been received and entered.

Claims 1-3, 17-26, 29 and 30 are rejected Under 35 U.S.C. 103 (a) as being unpatentable over Simpkins et al. for the reasons set forth on pages 2-4 of the office action of December 16, 2009.

Applicant's arguments and remarks have been carefully considered, but are not deemed to be persuasive. Applicant in his remarks argues that Simpkins et al. provides data supporting the combination of polycyclic phenols, such as 17beta-estradiol, alpha-estradiol or estratriene-3-ol with the antioxidant glutathione. The arguments have been noted. It is the examiner's position that obviousness does not require the presence of data. The prior art teaches the use of flavanoids within the scope of the claimed genus for the treatment of Alzheimer's disease. Applicant cancels such compounds in order to overcome the prior art rejection. However, it would have been obvious to a person skilled in the art to substitute one flavanoid for another and use it for the treatment of Alzheimer's.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 1612

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ZOHREH A. FAY whose telephone number is (571)272-0573. The examiner can normally be reached on Monday to Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fredrick Krass can be reached on (571) 272-0580. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ZF
/Zohreh A Fay/
Primary Examiner, Art Unit 1612